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PATENT

Application # 10/519,637

Attorney Docket # 1030-018

REMARKS

The Examiner is respectfully thanked for the consideration provided to this application. Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 1, 11-13, 119-124, 128-130, 132-135, 137, 140-149, 157, 161-170, 174, and 175 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, phrases, and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-198 are now pending in this application. Each of claims 1, 119-124, 174-176, and 183 are in independent form.

The Restriction Requirement**1. "GROUPS"**

In response to the Restriction Requirement, the first group of claims, comprising claims 1-175, is elected without traverse.

2. "SPECIES"

In addition, in response to the Restriction Requirement, the following alleged "species" are elected, each with traverse:

1. "as to the filling", claim 27 is elected;
2. "as to the enclosure", claim 79 is elected;
3. "as to filling supplement", "seeds" is elected;
4. "as to irrigation hose", "hose with the mesh" is elected;

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5. "as to application of predetermined structure", "roof" is elected;
6. "as to mode of filling", "blower" is elected;
7. "as to gathering", "palletizing" is elected; and
8. "as to method of assembly", "filled subsequent to placing the tubular mesh in-situ" is elected.

Although Applicant respectfully traverses as moot and/or improper the requirement that Applicant "identify the claims readable on the elected species", Applicant respectfully identifies claims 1-175 as "readable on the elected species".

In support of the traverses, Applicant respectfully notes that the present Application is a US National Stage application submitted under 35 USC 371, based on an underlying PCT application. Thus, typical U.S. "restriction" rules do not apply, and instead, the PCT "unity of invention" rules apply. *See* MPEP 1893.03(d).

In the current Application, at least claims 1-175 meet the "unity of invention" requirement because they fulfill the requirement that they be "linked to form a general inventive concept" and/or because "there is a technical relationship" among the claimed subject matter "that involves at least one common or corresponding special technical feature". For example, each of claims 1-175 comprises, *inter alia*, "a second tubular mesh enclosure attached to said first tubular mesh enclosure" or similar language.

To the extent the Office Action maintains its requirement for "a listing of all claims readable thereon", provision of a clear and legally-supported definition for the term "readable" and provision of a clearly-defined antecedent for the term "thereon" are respectfully requested.

Consideration of Submitted References is Requested

On 24 October 2006, an Information Disclosure Statement and PTO Form 1449 listing and providing 32 references was submitted. It is respectfully requested that those references be expressly considered during the prosecution of this application, that the references be made of record therein, and appear in the "References Cited" section of any patent to issue therefrom. It is respectfully requested that the next communication from the USPTO include a copy of the Form 1449 with the Examiner's initials beside each listed reference.

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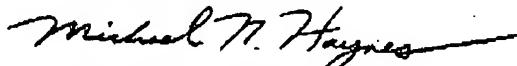
CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



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Date: 29 November 2006

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